

REMARKS

The Applicant has carefully reviewed the Office Action mailed December 26, 2007 and offers the following remarks.

Initially, the Applicant wishes to thank the Examiner for indicating that claims 6-8, 16-18, 26, 27, 35, and 36 would be allowable if rewritten in independent form. As will be detailed below, claims 1, 11, 21, and 30, the base claims from which claims 6-8, 16-18, 26, 27, 35, and 36 ultimately depend, are patentable over the cited references. Therefore, the Applicant will refrain from amending claims 6-8, 16-18, 26, 27, 35, and 36 at this time. Nevertheless, the Applicant reserves the right to rewrite claims 6-8, 16-18, 26, 27, 35, and 36 at a later time.

Claims 1-5, 10-15, 20-25, 29-33, 35, and 38 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,862,277 B2 to *Pan et al.* (hereinafter "*Pan*"). The Applicant respectfully traverses the rejection.

Prior to addressing the rejection, the Applicant provides a brief summary of the present invention. The present invention provides a terminal with the capability of establishing multiple communication sessions with a public network proxy through different access networks. The terminal can actively communicate with the public network proxy to control which of the multiple communication paths are active, as well as control the transition from actively using one communication path to using another. Thus, according to the present invention, the terminal establishes multiple communication sessions and the terminal may switch between communication sessions. In one embodiment, the communication sessions are reserved tunneling sessions, and the terminal cooperates with the public network proxy to effectively control how many tunneling sessions are established, how many tunneling sessions are active at any given time, and the transition from one tunneling session to another for active communications. Furthermore, according to the present invention, after establishment of a plurality of communication sessions, the present invention selects one of the communication sessions to be an active communication session and then identifies the first active communication session to a network proxy. The Applicant submits that the cited reference does not disclose, or even suggest, that, after a plurality of communication sessions have been established, selecting one of the communication sessions and then identifying the first active communication session.

Now turning to the rejections, according to Chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. § 102, “the reference must teach every element of the claim.” The Applicant submits that *Pan* does not teach every element recited in claims 1-5, 10-15, 20-25, 29-33, 35, and 38. More specifically, claim 1 recites a method for facilitating packet communications comprising, among other features, after selecting a communication session from a plurality of communication sessions, “identifying the first active communication session to the network proxy.” Claim 11 includes similar features. The Applicant submits that *Pan* does not disclose identifying a first active communication session, which has been selected from a plurality of communication sessions. The Patent Office maintains the rejection by stating that *Pan* discloses this feature in col. 4, ll. 65-67.¹ The Applicant respectfully disagrees. While the cited portion of *Pan* does disclose that a communication device 202 provides a SIP invite request 300 to a SIP proxy 212, this does not relate to identifying a first active communication session to a network proxy. Instead, this relates to requesting a communication session. Specifically, the SIP invite requests are being sent in an effort to establish a communication session. According to the disclosure, a communication session had not been set-up yet. Accordingly, a communication session has not been established, much less a plurality of communication sessions. As such, a communication session cannot be selected from a plurality of communication sessions. Therefore, claims 1 and 11 are patentable over *Pan* and the Applicant requests that the rejection be withdrawn. Claims 2, 3, 10, 12, 13, and 20, which ultimately depend from either claim 1 or claim 11, are patentable for at least the same reasons along with the novel features recited therein.

Claim 21 recites a method for facilitating packet communications comprising, among other features, “receiving selection indicia from the terminal identifying one of the plurality of communication sessions to be a first active communication session.” Claim 30 includes similar features. As detailed above, *Pan* does not disclose identifying a first active communication session, which has been selected from a plurality of communication sessions. Thus, it follows that *Pan* cannot disclose receiving selection indicia from a terminal identifying one of a plurality of communication sessions to be a first active communication session. For this reason, claims 21 and 30 are patentable over the cited reference and the Applicant requests that the rejection be withdrawn. Similarly, claims 23, 28, 29, 32, 37, and 38, which ultimately depend from either

¹ See Office Action mailed December 26, 2007, page 3.

claim 21 or claim 30, are patentable for at least the same reason along with the novel features recited therein.

Claim 4, which ultimately depends from claim 1, recites that “packets are duplicated and sent over both the first and second active communication sessions.” Claim 14, which ultimately depends from claim 11, claim 24, which ultimately depends from claim 21, and claim 33, which ultimately depends from claim 30, include similar features. The Applicant submits that *Pan* does not disclose that packets are duplicated and sent over first and second active communication sessions. The Patent Office supports the rejection by asserting that *Pan* discloses this feature in col. 6, ll. 10-15.² The Applicant respectfully disagrees. While the cited portion of *Pan* does disclose determining if SIP requests have similar call transaction values, the packets including the SIP requests are not sent over active first and second communication sessions. Instead, the SIP requests having the transactions values are sent when a terminal is attempting to set-up a communication session, not during a communication session. Therefore, neither a first nor a second active communication session has been established. In addition to the reasons noted above with respect to claims 1, 11, 21, and 30, claims 4, 14, 24, and 33 are patentable over *Pan* and the Applicant requests that the rejection be withdrawn.

Claim 5, which depends from claim 1, recites “determining a need to switch from the first active communication session.” Claim 15, which depends from claim 11, includes similar features. The Applicant submits that *Pan* does not disclose determining a need to switch from a first active communication session. In maintaining the rejection, the Patent Office asserts that *Pan* discloses this feature in col. 11, ll. 8-24.³ The Applicant respectfully disagrees. At most, the cited portion discloses using a multi-media call between the first communication device 202 and a second communication device 204 where a voice component of the multi-media call is transmitted via a cellular network and a video component is received via an access point 518.⁴ However, nowhere does the cited portion disclose determining a need to switch from the first cellular network to transmitting data via the access point 518.

Claim 5 also recites “providing indicia indicative of the need to switch from the first active communication session to the second active communication session.” Claim 15 includes similar features. The Applicant submits that *Pan* does not disclose providing indicia indicative

² See Office Action mailed December 26, 2007, page 4.

³ See Office Action mailed December 26, 2007, page 4.

⁴ See *Pan*, col. 11, ll. 8-24.

of a need to switch from a first active communication session to a second active communication session. The Patent Office supports the rejection by stating that *Pan* discloses this feature in col. 11, ll. 8-24.⁵ The Applicant respectfully disagrees for a number of reasons. First, as mentioned above, *Pan* does not disclose determining a need to switch from a first active communication. As such, it follows that *Pan* cannot disclose providing indicia indicative of a need to switch from a first active communication session to a second active communication session.

Second, as detailed above, at most, the cited portion discloses using a multi-media call between the first communication device 202 and the second communication device 204 where a voice component of the multi-media call is transmitted via a cellular network and a video component is received via an access point 518. However, nowhere does the cited portion disclose providing indicia indicative of a need to switch from the cellular network to transmitting data via the access point 518. Thus, for this reason and the reasons noted above, claims 5 and 15 are patentable over the cited reference and the Applicant requests that the rejection be withdrawn.

Claim 22, which depends from claim 21, recites “receiving second selection indicia from the terminal identifying at least a second one of the plurality of communication sessions to be an active communication session.” Claim 31, which depends from claim 30, includes similar features. The Applicant submits that *Pan* does not disclose receiving second selection indicia from a terminal identifying a second communication session from a plurality of communication sessions to be an active communication session. As detailed above, *Pan* does not disclose receiving selection indicia from a terminal identifying one of a plurality of communication sessions to be a first active communication session. Accordingly, it follows that *Pan* cannot disclose receiving second selection indicia from a terminal identifying a second communication session from a plurality of communication sessions to be an active communication session. In addition to the reasons noted above with reference to claims 21 and 30, claims 22 and 31 are patentable over the cited reference and the Applicant requests that the rejection be withdrawn.

Claim 25, which ultimately depends from claim 21, recites “receiving switch indicia from the terminal indicating a need to switch from the first active communication session.” Claim 34, which ultimately depends from claim 30, includes similar features. As detailed above, *Pan* does not disclose providing indicia indicative of a need to switch from a first active communication

⁵ See Office Action mailed December 26, 2007, page 4.

session. Thus, *Pan* cannot disclose receiving switch indicia from a terminal indicating a need to switch from a first active communication session.

Claim 25 also recites receiving “selection indicia from the terminal identifying at least a second one of the plurality of communication sessions to be a second active communication session.” Claim 34 includes similar features. The Applicant submits that *Pan* does not disclose receiving selection indicia from a terminal identifying at least a second one of a plurality of communication sessions to be a second active communication session. As outlined above, *Pan* does not disclose receiving selection indicia from a terminal identifying one of a plurality of communication sessions to be a first active communication session. Therefore, *Pan* cannot disclose receiving selection indicia from a terminal identifying at least a second one of a plurality of communication sessions to be a second active communication session. For this reason and the reasons noted above, claims 25 and 34 are patentable over the cited reference and the Applicant requests that the rejection be withdrawn.

Claims 9, 19, 28, and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pan* in view of U.S. Patent No. 7,072,657 B2 to *Watanabe et al.* (hereinafter “*Watanabe*”). The Applicant respectfully traverses the rejection. As detailed above, claims 1, 11, 21, and 30, the base claims from which claims 9, 19, 28, and 37 respectively depend, are patentable over *Pan*. In addition, *Watanabe* does not overcome the previously noted deficiencies of *Pan*. Accordingly, claims 9, 19, 28, and 37 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

The present application is now in a condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicant’s representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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